

The Senate Committee on Judiciary offered the following substitute to SB 229:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding courts, so as to create parental accountability court divisions to provide alternative adjudication to the traditional judicial system; to provide definitions; to provide for assignment of cases; to provide for planning groups and work plans; to provide for standards; to provide for staffing and expenses; to provide for completion of parental accountability court division programs; to provide for records, fees, grants, and donations; to revise a definition; to amend Code Section 15-6-29.1 of the Official Code of Georgia Annotated, relating to accountability court supplement and limitation, so as to provide for a parental accountability court judge supplement; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding courts, is amended by adding a new Code section to read as follows:

"15-1-17.1.

(a) As used in this Code section, the term:

(1) 'Department' means the Department of Human Services.

(2) 'Obligor' shall have the same meaning as set forth in Code Section 19-11-3.

(3) 'PAC' means parental accountability court division.

(b)(1) Any court that has jurisdiction over civil actions involving the department pursuant to Chapter 11 of Title 19 may establish a PAC to provide an alternative to the traditional judicial system for the disposition of cases.

(2) In any case involving the department pursuant to Chapter 11 of Title 19 in which a defendant is an obligor and the defendant meets the eligibility criteria for PAC, the court may assign the case to the PAC:

(A) Prior to the entry of the contempt, if the department consents;

27 (B) As part of a finding of contempt; or

28 (C) Upon consideration of a petition or motion by the department to assign the case to
29 PAC.

30 (3)(A) Each PAC shall establish a planning group to develop a work plan. The
31 planning group shall include the judges, department, and persons having expertise in
32 services available to obligors. The work plan shall address the operational,
33 coordination, resource, information management, and evaluation needs of the PAC.
34 The work plan shall include PAC policies and practices related to implementing the
35 standards and practices developed pursuant to paragraph (4) of this subsection. The
36 PAC shall combine judicial supervision, employment assistance, treatment of PAC
37 participants, and risk of drug use and mental health assessments.

38 (B) As determined by the PAC planning group, a PAC may enlist the services provided
39 by agencies, and organizations in the judicial circuit, including, but not limited to:

40 (i) Community service boards;

41 (ii) County departments;

42 (iii) State agencies, including, but not limited to, the Department of Labor, the
43 Department of Community Health, and the Department of Behavioral Health and
44 Developmental Disabilities;

45 (iv) Other judicial circuit accountability courts;

46 (v) The Board of Regents of the University System of Georgia;

47 (vi) The Technical College System of Georgia;

48 (vii) Substance abuse treatment organizations;

49 (viii) Mental health service providers;

50 (ix) Nonprofit organizations that provide family counseling;

51 (x) Organizations that provide legal representation to indigent litigants;

52 (xi) Local, regional, and state task forces or coordinating entities regarding at-risk
53 adults;

54 (xii) Providers of medical, legal, housing services or housing facilities; and

55 (xiii) Any other entity which a PAC determines is necessary.

56 (4)(A) The Council of Accountability Court Judges of Georgia shall adopt standards
57 and practices for PAC, taking into consideration guidelines and principles based on
58 available current research and findings published by experts on obligors' needs. The
59 Council of Accountability Court Judges of Georgia shall update its standards and
60 practices to incorporate research, findings, and developments in the PAC field if any
61 such research, findings, or developments are created. Each court shall adopt policies
62 and practices that will be consistent with any standards and practices published by the
63 Council of Accountability Court Judges of Georgia.

64 (B) The department shall provide consultation to the Council of Accountability Court
65 Judges of Georgia and to each court to assist in the development and implementation
66 of standards, policies, and practices.

67 (C) The Council of Accountability Court Judges of Georgia shall create and manage
68 a certification and peer review process to ensure each court is adhering to the Council
69 of Accountability Court Judges of Georgia's standards and practices and shall create a
70 waiver process for courts to seek an exception to the Council of Accountability Court
71 Judges of Georgia's standards and practices. In order to receive state appropriated
72 funds, any court established on and after July 1, 2019, shall be certified pursuant to this
73 subparagraph or, for good cause shown to the Council of Accountability Court Judges
74 of Georgia, shall receive a waiver from the Council of Accountability Court Judges of
75 Georgia.

76 (D) On and after July 1, 2019, the award of any state funds for a PAC shall be
77 conditioned upon a PAC attaining certification or a waiver by the Council of
78 Accountability Court Judges of Georgia. On or before September 1 of each year, the
79 Council of Accountability Court Judges of Georgia shall publish an annual report
80 listing certified PACs.

81 (E) The Council of Accountability Court Judges of Georgia and the department shall
82 develop and manage an electronic information system for performance measurement
83 and accept submission of performance data in a consistent format from all PACs. The
84 Council of Accountability Court Judges of Georgia shall identify elements necessary
85 for performance measurement, including, but not limited to, participant employment,
86 the number of participants who successfully complete the program, and the number of
87 participants who fail to complete the program.

88 (F) On or before July 1, 2022, and every three years thereafter, the Council of
89 Accountability Court Judges of Georgia shall conduct a performance peer review of
90 each PAC for the purpose of improving PAC policies and practices and the certification
91 and recertification process.

92 (5) The clerk of the court instituting the PAC or such clerk's designee shall serve as the
93 clerk of the PAC.

94 (6) The court instituting the PAC may request other employees of the court to perform
95 duties for the PAC. Such employees shall perform duties as directed by the judges of the
96 PAC.

97 (7) The court instituting the PAC may enter into agreements with other courts and
98 agencies for the assignment of personnel from other courts and agencies to the PAC.

99 (8) Expenses for salaries, equipment, services, and supplies incurred in implementing
100 this Code section may be paid from state funds, funds of the county or political

subdivision implementing such PAC, federal grant funds, funds approved by the federal Office of Child Support Enforcement to be used for such purposes and allocated to the department pursuant to Title IV-D of the federal Social Security Act, and funds from private donations.

(c) Each PAC shall establish written criteria that define the successful completion of the PAC program.

(d) Any statement made by a PAC participant as part of participation in such court, or any report made by the staff of the court or program connected to the court, regarding a participant's mental health shall not be admissible as evidence against the participant in any legal proceeding or prosecution; provided, however, that if the participant violates the conditions of his or her participation in PAC or is terminated from PAC, the reasons for the violation or termination may be considered in sanctioning or otherwise disposing of the participant's case.

(e) Nothing contained in this Code section shall be construed to permit a judge to increase, modify, or reduce an obligor's child support obligation.

(f) Notwithstanding any provision of law to the contrary, PAC staff shall be provided, upon request, with access to all records relevant to the treatment of the obligor from any state or local government agency, except records declared confidential by Code Section 49-5-40 to which access may be obtained pursuant to Code Section 49-5-41. All records and the contents thereof shall be treated as confidential, shall not be disclosed to any person outside of the PAC, and shall not be subject to Article 4 of Chapter 18 of Title 50 or subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding. Such records and the contents thereof shall be maintained by the PAC and originating court in a confidential file not available to the public.

(g) The PAC shall be provided a copy of an obligor's Georgia Crime Information Center report by the sheriff, or the sheriff's designee, of the county in which the PAC is established, without charge or fee to the PAC or department.

(h) The court shall have the authority to accept grants, donations, and other proceeds from outside sources for the purpose of supporting the PAC. Any such grants, donations, or proceeds shall be retained by the PAC for expenses."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 15-1-18, relating to Council of Accountability Court Judges of Georgia, as follows:

"(a) As used in this Code section, the term:

(1) 'Accountability court' means a superior, state, or juvenile court that has a drug court division, mental health court division, veterans court division, parental accountability

137 court division, or operating under the influence court division or a juvenile court that has
138 a family treatment court division.
139 (2) 'Council' means the Council of Accountability Court Judges of Georgia."

140 **SECTION 3.**

141 Code Section 15-6-29.1 of the Official Code of Georgia Annotated, relating to accountability
142 court supplement and limitation, is amended by revising subsection (a) as follows:

143 "(a) Whenever a circuit has implemented a drug court division, mental health court
144 division, parental accountability court division, or veterans court division, then on and after
145 January 1, 2016, the state shall pay each superior court judge in such circuit an annual
146 accountability court supplement of \$6,000.00. Such supplement shall be paid from state
147 funds by The Council of Superior Court Judges of Georgia in equal monthly installments
148 as regular compensation."

149 **SECTION 4.**

150 All laws and parts of laws in conflict with this Act are repealed.